

### **REMARKS**

The Office Action of May 13, 2010 and the references cited therein have been carefully studied. The Office Action constitutes a final rejection of the claims. Favorable reconsideration and allowance of the claims are respectfully requested.

#### **I. Claim Status and Amendments**

At the outset, Applicants thank Examiner Xu for her time and helpful comments in consideration of the present application during the telephone interview with the undersigned on November 9, 2010. See below for a more detailed summary of the interview.

Claims 11-15 were pending in this application when last examined.

Claims 1, 2, 11, and 12 have been withdrawn as non-elected subject matter.

Claims 3-5, 7-8, 10, and 13-15 have been examined on the merits and stand rejected. No claim has been allowed.

In item 4 on page 2 of the Office Action, the examiner states that “[c]laims 6 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, set forth in this Office Action and to all of the limitations of the base claim and any intervening claims.” Applicants appreciate the examiner’s indication of allowable subject matter. To clarify the record, Applicants cannot find any rejections of claims 6 and 9 under 35 U.S.C. §112, second paragraph, in the current Office Action. Indeed, it appears that all 112 second paragraph rejections, including those claims 6 and 9, were overcome by the last response. Nonetheless, Applicants do note that claims 6 and 9 depend on claims 3 and 4, respectively, which claims were included in the prior art rejections. Presumably, the examiner intended to indicate that claims 6 and 9 stand objected to for depending on rejected base claims, and these

claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Indeed, the examiner confirmed such in the interview.

By way of the present amendment, claims 1-4, 7, and 11-12 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

As discussed in the interview, Applicants have herein amended the claims to the subject matter indicated as allowable by the examiner. In particular, claim 6 has been rewritten to independent form and to incorporate claims 3 and 4 (to which it previously depended). Accordingly, upon entry of this amendment, claim 6, as amended herein, will be the sole independent claim, and it should now be in condition for allowance. The remaining claims (i.e., claims 8-10 and 13-15) have been revised to depend on claim 6. Also, claims 13-15 have been revised, in a non-narrowing manner, to be more consistent with the claims to which they depend and to thereby provide correct antecedent basis for the terminology recited therein. Support can be found in original claims 13-15 and in the disclosure at the top of page 7 of the original application.

As agreed in the interview, the present amendment should be entered, even though the case is after final rejection, since it merely amends the claims to the allowable subject matter, as suggested by the examiner. In the event that the examiner believes that further revisions may be needed, please contact the undersigned by telephone in order to expedite allowance.

Claims 5, 6, 8-10, and 13-15 are pending upon entry of this amendment, and these claims define patentable subject matter warranting their allowance for the reasons discussed

herein. Applicants request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

**II. Prior Art Rejections**

Claims 3-5, 10 and 13 have again been rejected §102 as anticipated by Barber (U.S. Patent No. 5,849,052). See item 2 on page 2 of the Action.

Claims 3-5, 7, 8, 10, 13 and 14 have again been rejected under §102 as being anticipated by Ogawa (U.S. Patent Application Publication 2001/0005531). See item 2 on page 2 of the Action.

Claims 3-5, 10 and 15 have again been rejected under §102 as anticipated by Flugge U.S. Patent Application Publication 2004/0086727 (Flugge). See item 2 on page 2 of the Action.

The rejections are respectfully traversed for the same reasons set forth in the amendment filed April 13, 2010, which arguments are reiterated herein by reference. Nonetheless, for the sole purpose of expediting prosecution and not to acquiesce to the rejections, the rejected claims have been cancelled without prejudice or disclaimer thereto. As discussed above, Applicants have amended claims to the subject matter indicated as allowable by the examiner. In particular, claim 6 has been rewritten to independent form and to incorporate claims 3 and 4, and the remaining claims have been amended to depend on claim 6. Thus, the present amendment obviates the rejections. The rejections are untenable and should be withdrawn.

**III. Conclusion**

All issues raised in the Office Action have been fully addressed in a manner that should lead to patentability of the present application. Favorable consideration and allowance are requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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